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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,938	03/22/2004	Ian J. Forster	AVERP3654US	1031
7590	03/27/2006		EXAMINER	LA, ANH V
Jonathan A. Platt Renner, Otto, Boisselle & Sklar, LLP Nineteenth Floor 1621 Euclid Avenue Cleveland, OH 44115-2191			ART UNIT	PAPER NUMBER
2612				
DATE MAILED: 03/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/805,938	FORSTER ET AL
	Examiner Anh V. La	Art Unit 2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 56-61 is/are allowed.
- 6) Claim(s) 1-4,6-15,17-40 and 42-55 is/are rejected.
- 7) Claim(s) 5,16 and 41 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/1/04,5/16/05,9/6/05</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

## DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-7, 10-15, 17-18, 21- 27, 29 –33, 35, 36, 38-40, 42, and 44-45, 47-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Pennaz (US 6,891,110).

Regarding claim 1, Pennaz discloses a method of making an RFID device comprising providing a web material 40 including a continuous conductive layer 20 and a continuous dielectric layer 32, 30, forming at least one aperture 66 in the conductive layer, and applying at least one strap 34, 36 across the at least one aperture.

Regarding claim 2, Pennaz discloses separate conductive and dielectric webs and combining the webs to provide the web material including a continuous conductive layer and a continuous dielectric layer (fig. 1-3).

Regarding claim 3, Pennaz discloses at least one aperture extending in the longitudinal direction of the web material (fig. 2).

Regarding claim 4, Pennaz discloses at least one crease portion including a central portion of overlapped web material between adjacent portions of single ply web material and removing the central portion of the crease portion (fig. 1-3).

Regarding claim 6, Pennaz discloses forming the central portion of overlapping web material with the dielectric layer of the web material adjacent to itself (fig. 2).

Regarding claim 7, Pennaz discloses an adhesive 38.

Regarding claim 10, Pennaz discloses an adhesive 38.

Regarding claim 11, Pennaz discloses dividing the web material into a plurality of discrete tessellated RFID devices by cutting the web material across the transverse axis (fig. 1-3).

Regarding claim 13, Pennaz discloses cutting the web material across the transverse axis (fig. 1-3).

Regarding claim 14, Pennaz discloses at least one aperture extending in the transverse direction of the web material (fig. 1-3).

Regarding claim 15, Pennaz discloses at least one crease portion including a central portion of overlapped web material between adjacent portions of single ply web material and removing the central portion of the crease portion (fig. 1-3).

Regarding claim 17, Pennaz discloses forming the central portion of overlapping web material with the dielectric layer of the web material adjacent to itself (fig. 2).

Regarding claim 18, Pennaz discloses an adhesive 38.

Regarding claim 21, Pennaz discloses an adhesive 38.

Regarding claims 22-24, Pennaz discloses cutting the web material across the longitudinal axis (fig. 1-3).

Regarding claim 25, Pennaz discloses the aperture including fully separating the conductive portions on either side of the at least one aperture (fig. 2).

Regarding claim 26, Pennaz discloses leaving conductive bridges connecting conductive portions on either side of the aperture (fig. 1-2).

Regarding claim 27, Pennaz discloses applying the strap electrically coupled by the bridges (fig. 1-2).

Regarding claim 29, Pennaz discloses a web of RFID device comprising a web material 40 including a continuous conductive layer 20 and a dielectric layer 32, 30, at least one aperture 66 in the conductive layer forming at least two separate conductor portions 60, 62, at least one RFID device including a strap 34, 36 attached across the at least one aperture and coupled to a conductor portion on each side of the aperture.

Regarding claim 30, Pennaz discloses the aperture extending the traverse direction on the web and the RFID device being oriented in the longitudinal direction of the web material (fig. 2).

Regarding claim 31, Pennaz discloses the aperture extending the longitudinal direction on the web and the RFID device being oriented in the transverse direction of the web material (fig. 2).

Regarding claims 32, 35, Pennaz discloses the RFID devices arranged in a tessellated configuration (fig. 1-3, 11).

Regarding claim 33, 36, Pennaz discloses the RFID devices arranged in a partially tessellated configuration (fig. 1-3, 11).

Regarding claim 38, Pennaz discloses a method of making an RFID device comprising providing a web material 40 including a continuous conductive layer 20, forming at least

one aperture 66 in the web in the conductive layer, and applying at least one strap 34, 36 across the at least one aperture.

Regarding claim 39, Pennaz discloses two webs of conductive material aligned in parallel with an aperture there between (fig. 2).

Regarding claim 40, Pennaz discloses at least one crease portion including a central portion of overlapped web material between adjacent portions of single ply web material and removing the central portion of the crease portion (fig. 1-3).

Regarding claim 42, Pennaz discloses forming the central portion including connecting the central portion of overlapping web material with an adhesive (fig. 1-3).

Regarding claim 44, Pennaz discloses an adhesive (col. 6, line 45- col. 7, line 45).

Regarding claim 45, Pennaz discloses dividing the web material into a plurality of discrete tessellated RFID devices by cutting the web material across the transverse axis (fig. 1-3).

Regarding claim 47, Pennaz discloses cutting the web material across the transverse axis (fig. 1-3).

Regarding claim 48, Pennaz discloses a web of RFID device comprising a web material 40, at least one aperture 66 in the conductive layer forming at least two separate conductor portions 60, 62, at least one RFID device 10 including a strap 34, 36 attached across the aperture and coupled to a conductor portion on each side of the aperture.

Regarding claim 49, Pennaz discloses the aperture extending the longitudinal direction on the web and the RFID device being oriented in the transverse direction of the web material (fig. 2).

Regarding claims 50, 52, 53, Pennaz discloses the RFID devices arranged in a tessellated configuration (fig. 1-3, 11).

Regarding claim 51, 54, Pennaz discloses the RFID devices arranged in a partially tessellated configuration (fig. 1-3, 11).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 12, 19, 28, 34, 37, 46, 55, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pennaz.

Regarding claims 8, 12, 19, 28, 34, 37, 46, 55, Pennaz discloses all the claimed subject matter as set forth above in the rejection of claim 4, but does not disclose a crimping process (claims 8, 19), elliptical holes in the conductive layer (claim 28), the RFID devices arranged in an untessellated configuration (claims 12, 34, 37, 46, 55). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a crimping process and making elliptical holes on the conductive layer for the purpose of effectively forming the crease portion and to have the RFID devices arranged in an untessellated configuration as designed for the purpose of providing different arrangements for the RFID devices on the web.

5. Claims 9, 20, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pennaz in view of Beigel (US 6,888,502).

Regarding claims 9, 20, 43, Pennaz discloses all the claimed subject matter as set forth above in the rejection of claim 4, but does not disclose cutting the central portion of the overlapping web material along the longitudinal axis of the crease portion. Beigel discloses the use of cutting the central portion of an overlapping web material along the longitudinal axis of a crease portion (figure 3). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include cutting the central portion of the overlapping web material along the longitudinal axis of the crease portion to the method of Pennaz as taught by Beigel for the purpose of effectively forming the crease portion.

6. Claims 5, 16, 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 56-61 are allowed.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Eberhardt, Brady, and Eckstein teach RFID systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANH V. LA  
PRIMARY EXAMINER**

Anh V La  
Primary Examiner  
Art Unit 2636

AI  
March 17, 2006